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Book Review. Albertsworth, E. F., Selected Cases and Other Authorities on Industrial Law

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For those who are still interested in teaching damages in that manner it will be difficult to choose between these two case books.

WILLIAM O. DOUGLAS.

Selected Cases and other Authorities on Industrial Law. By E. F. Albertsworth. Chicago, Northwestern University Press, 1928. pp. xxx, 782. \$7.50

To say that, in the opinion of the reviewer, Professor Albertsworth has not succeeded in the large purpose which he apparently set for himself in compiling the present volume, is not to deny the genuine usefulness of his book. The learned editor has seen fit to begin his volume with an introduction and a prologue, to which a number of scholars of international reputation have contributed, in addition to his own preface. One is led by the statements in these preliminary pages to believe that the book itself, thus early in the day of the functional approach to the study of law, gathers together and arranges the diverse materials which deal with the interaction of industrial phenomena, legislation, and court decisions, in such a way as to reveal the structure of the legal control of modern industry. It is that promise which is not borne out.

Successful accomplishment of the editor's aim would require the distinguishing of at least three factors which influence legal control: namely, the nature of the industrial system and of its component parts and functions, the character of legal and non-legal agencies of control, and the ends which control does or pretends to serve. The difficulty of combining these factors into a consistent scheme, to say nothing of deciding under what head to put cases that involve all three factors, is readily apparent. Professor Albertsworth's volume does not disclose a consistent scheme of arrangement; but there may be considerations which justify his product; and there certainly are difficulties which explain it.

The book begins by dealing with the employment relation, but an element of disproportion is introduced at the outset by the devotion of the first third of the entire volume to the law of injuries to employees. These are dealt with at common law, under the various acts of Congress, and under workmen's compensation statutes. A briefer treatment of the subject would indicate equally well the extent to which the worker's position is determined by contract and by status respectively, and would suggest, too, what determines the element of status. But the editor introduces cases relating to evidence, conflicts of jurisdiction, and the like, which do not seem really to belong in the book. Next comes the law of trade (i.e., labor) disputes, which is well handled to bring out the influence upon court decisions of economic conditions, methods employed by the parties to disputes, and judicial ideas as to the aims and purposes of strikers or employers. Then follows a section devoted to The Relation Between Producer and Producer. Under this title the law of unfair competition and the law of combinations are treated. By "producers" the editor seems to mean producing concerns. Unfair competition, however, relates rather to marketing.

The last main division of the book deals with Relations Between Industry and the State. Attention here seems to be centered upon the fact that formal legislation shapes the law upon the subjects treated. Perhaps for that reason, wage, hour, and similar labor legislation are treated, although with distinguishing subtitles, along with some of the laws relating to labor organizations and to strikes. Then follows a consideration of the regulation, by trade associations and by legislation, of service and prices. But prices paid to farmers are treated along with prices exacted from consumers. In a final chapter resale price control and allied matters are taken up.

The editor's preface explains his selection of topics. Fixing of public utility rates and the kind of credit instruments employed by capitalists are, he says, "not matters of great public interest; and their use and development are largely the outgrowth of common law principles." One feels constrained to suggest that both matters are sufficiently important to make necessary their treatment in the ultimate casebook on industrial law, if such a book is possible. Some consideration of state enterprise and of taxation seems also to be essential.

It should be emphasized, however, that Professor Albertsworth's book is a useful one for study in law school courses which go by the name of "trade regulation and labor law" or some such title. Any teacher can supply gaps, rearrange material, and point out what statements of the editor, made in his introductions to the various sections, seem open to question. The present volume gathers together cases, including many new ones, which have not heretofore been assembled in a single book. Frequent footnotes by the editor contain well selected case and law review citations, and the decisions are characterized helpfully. No other book in this field makes so diverse a body of material so readily available.

St. Louis

RALPH F. FUCHS.

A Selection of Cases on the Law of Trusts. By Sidney Earl Smith. Toronto, Canadian Law Book Co., 1928. pp. xiv, 540. \$5.85.

The Editor of this casebook expresses in the preface his obligation to the late Dean Ames and Professor Austin W. Scott of the Harvard Law School, and gratefully acknowledges the aid which he has obtained from their casebooks. Indeed, both in his arrangement of material and in his selection of cases, he has followed rather closely Scott's *Cases on Trusts*, except that in lieu of the decisions of the United States federal and state courts printed in Scott, Professor Smith has inserted modern cases from the English and Canadian reports. These cases are well chosen and many of them are comparatively recent. Thus the material is brought down to date. The footnotes contain extensive citations and exposition of the Canadian authorities, and references to the more important periodical discussions of special topics. The Ontario Trustee Act of 1927, printed in the Appendix, and an excellent index complete the book. The clear type, good paper and substantial binding go to make up an attractive volume.

The work will certainly be exceedingly useful for Canadian teachers and students of the law of trusts and because of the numerous Canadian cases found in the text and the footnotes it should also prove valuable to all persons who may have occasion to investigate the Canadian authorities on this difficult and interesting subject.

Facts About Bankruptcy—1928. By Max Isaac. New York, American Bankruptcy Review, Inc., 1928. pp. xi, 322. \$5.

"Fact" seems properly applied in this instance. The book lists among its contents a Directory of Lawyers, the General Bankruptcy Laws of the United States, General Orders in Bankruptcy, Officers of United States Courts (*i.e.*, Judges and Clerks), etc. It also contains abstracts of the law of conditional sales and mortgages of the various states.

In the footnotes to the Bankruptcy Act are compiled a large number of recent cases and law review citations. But this loses some of its appeal because of Collier's extensive treatment along the same plan. Undoubtedly, its handy size and inexpensiveness will, however, recommend it to some practicing attorneys who wish to have such a volume within reach.